

**AGREEMENT
ON ENVIRONMENTAL COOPERATION**

COMMISSION FOR ENVIRONMENTAL COOPERATION

COUNCIL RULES OF PROCEDURE

Rule 1: Scope

These Rules apply to the Council of the Commission for Environmental Cooperation (the “Council” and “Commission”, respectively). The Commission was established under the 1994 North American Agreement on Environmental Cooperation (NAAEC) and continues to operate under the Agreement on Environmental Cooperation between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America (ECA), which entered into force on July 1, 2020.

Rule 2: Council Structure

- 2.1 Pursuant to Article 3(1) of the ECA, the Council shall comprise cabinet-level or equivalent representatives responsible for environmental affairs of the Parties, or their designees.
- 2.2 Each Party will notify the Secretariat of the Commission for Environmental Cooperation (“Secretariat”) of its representative to the Council (“Council member”), and of any change thereto. Each Council member shall also designate an Alternate Representative. The Secretariat will notify the Parties and the Joint Public Advisory Committee (“JPAC”) of a Party's representative and of any change thereto.
- 2.3 When acting as representative, the alternate so designated shall have full authority to act in all matters within the competence of the representative under the ECA. Each Alternate Representative may designate a member or members of the General Standing Committee (GSC) who will act as first point(s) of contact for the Secretariat and ensure regular communication with the Secretariat to ensure engagement and dialogue, and to facilitate deliberations and decision-making by the Alternate Representatives on ECA implementation.
- 2.4 Each Council member or Alternate Representative may be accompanied to Council sessions, or Alternate Representatives sessions, as appropriate, by such advisors and experts as the Council member or Alternate Representative, may select.

Rule 3: Sessions

- 3.1 The Council shall convene:
 - (a) in regular session, held at least once a year, unless the Council decides otherwise; and
 - (b) in special session at the request of any Party.

- 3.2 At each regular session, the Council will make best efforts to determine the dates and duration of the next regular session. Regular sessions of the Council shall be chaired successively by each Party, rotating annually, and shall be held in the country of the representative that is chairing the Council, unless the Council decides otherwise.
- 3.3 A special session will be convened within six weeks of delivery of the request to the other Parties, unless the Council decides otherwise. The Council will decide the date, time, place and manner of a special session and which Council member will be the chair.
- 3.4 The Council will consider information, reports and recommendations from the Environment Committee regarding the implementation of Chapter 24 of the Agreement between the United States of America, the United Mexican States, and Canada (the “Trade Agreement”), including submissions on enforcement matters.
- 3.5 The Alternate Representatives will hold sessions as necessary to make ongoing decisions related to the operations of the Commission. Alternate Representatives may conduct their official work through other means, such as video conference calls, and electronically.

Rule 4: Conduct of Business

- 4.1 Pursuant to Article 3(4) of the ECA, the Council shall hold public meetings in the course of all regular sessions. Other meetings held in the course of regular or special sessions shall be public where the Council so decides. A decision of the Council to convene a session shall be made public. The Council may conduct its official work through other means, such as video conferences, conference calls, and electronically.
- 4.2 At public meetings of the Council, participants may address the Council when invited to do so by either Council members or a moderator designated by the Council Chair. The moderator may call speakers to order when their remarks are not relevant to the subject under discussion.
- 4.3 Where persons, including representatives of nongovernmental organizations, advisors and experts, are invited to advise the Council at meetings held *in camera*, such persons shall undertake to protect information designated as confidential pursuant to Article 16(3) of the ECA.
- 4.4 When an issue of significant importance arises, the JPAC or the Secretariat may request to hold an *in camera* meeting with the Council.

Rule 5: Secretariat

- 5.1 Pursuant to Article 5(4) of the ECA, the Secretariat shall provide for interpretation and translation and such other technical, administrative, and operational support as the Council may direct.
- 5.2 The Executive Director, or her or his designee, will attend all sessions of the Council and Alternate Representatives, unless the Council decides otherwise.

- 5.3 The Executive Director may be accompanied to Council and Alternate Representatives sessions by such Secretariat advisors and experts as the Executive Director may select.
- 5.4 The Executive Director may make oral and/or written statements to the Council during Council and Alternate Representative sessions.
- 5.5 The Secretariat shall be responsible for administrative arrangements for sessions of the Council.
- 5.6 In the performance of their duties, the Executive Director and the staff will not seek or receive instructions from any government or other authority external to the Council. Each Party will respect the international character of the responsibilities of the Executive Director and the staff and will not seek to influence them in the discharge of their responsibilities.
- 5.7 The Executive Director shall provide the Council with a cost estimate of any cooperative activity proposal or response to contingencies not contemplated in the work program and annual budget of the Commission before the Council takes a decision on the proposal.
- 5.8 The Executive Director or his/her designee, acting promptly, shall transmit information, correspondence, and reports to the Council or the Alternate Representatives, as appropriate.
- 5.9 The Executive Director, or his/her designee, shall forward to the Council or the Alternate Representatives copies of technical, scientific, or other information or advice provided by JPAC.

Rule 6: Public Meetings

- 6.1 The Council may invite any person, including a representative of any province, state or intergovernmental or nongovernmental organization or independent experts, to participate as a speaker during the Council public meeting.
- 6.2 Any person, including a representative of any province or state residing in the territory of a Party, a nongovernmental organization established in the territory of a Party, an intergovernmental organization, or an independent expert, may be invited by the Council members or the moderator designated by the Council Chair to make oral statements to the Council, or ask questions regarding agenda items for public meetings.
- 6.3 Requests and invitations for in-person participation at a public meeting shall be addressed to and managed by the Secretariat. The Secretariat will prepare a list of all persons, intergovernmental organizations, non-governmental organizations, media representatives, and all representatives of provinces and states requesting in-person participation. The Secretariat will transmit the list to the Council or its representatives seven days before the public meeting. The Council or its representatives may allow requests received less than seven days before the public meeting.

- 6.4 Registration for online participation shall be managed by the Secretariat, and a list of registered participants shall be transmitted to the Council or its representatives following the public meeting.
- 6.5 All oral statements to the Council will be in an official language of the Commission. Due regard will be paid to the importance of having an equitable proportion of oral statements from among the nationals of each Party.

Rule 7: Committees, Working Groups and Expert Groups

- 7.1 The Council may establish and assign responsibilities to *ad hoc* or standing committees, working groups or expert groups to fulfill its mandate. The Council will establish the terms of reference and guidelines for the committees and groups. The Council may request the Secretariat to assist in carrying out these functions.
- 7.2 Subject to the terms of reference and guidelines established by the Council under Rule 7.1, the committees and groups may seek advice and information from JPAC, provinces, states, participants, nongovernmental and intergovernmental organizations, independent experts, representatives from the academic sector or from local communities, and interested members of the public in order to fulfill their mandates.
- 7.3 The Secretariat shall provide technical, administrative, and operational support to committees and groups established by the Council, and such other support as the Council may direct.

Rule 8: Decisions and Recommendations

- 8.1 Decisions, including Council Resolutions, will be taken and recommendations will be made when all three Parties' Council members or Alternate Representatives, as appropriate, are present either in person or through electronic means.
- 8.2 Decisions shall be taken by consensus, except as the Council members or Alternate Representatives, as appropriate, may otherwise decide by consensus or as otherwise provided in the ECA.
- 8.3 Decisions under Article 24.28 of the Trade Agreement shall be made by Council members or Alternate Representatives, as appropriate, and the CEC Secretariat shall prepare a factual record if at least two members of the Council instruct it to do so.
- 8.4 Each Council member or Alternate Representative, as appropriate, has one vote. Where a vote is required by decision of the Council members or Alternate Representatives, or as provided in the ECA or Article 24.28 of the Trade Agreement, decisions and recommendations will be made with the vote of at least two members of the Council.
- 8.5 All decisions and recommendations of the Council or the Alternate Representatives, as appropriate, will be recorded in writing, except as the Council members or the Alternate Representatives, as appropriate, may otherwise decide or as otherwise provided in the ECA.

- 8.6 All decisions of the Council or the Alternate Representatives taken by way of resolution shall be made public.
- 8.7 The Council may provide instruction to the Secretariat with respect to the preparation and publication of factual records in accordance with Article 24.28 (Factual Records and Related Cooperation) of the Environment Chapter of the Trade Agreement.

Rule 9: Council Session Agenda

- 9.1 All items on the agenda of the Council session will be within the scope of the ECA.
- 9.2 The Secretariat, in collaboration with the Chair, will prepare and transmit lists of proposed agenda items for each regular session. The lists will include any items proposed by the Parties, items related to the Executive Director's responsibilities as defined in the ECA, and items proposed by the JPAC.
- 9.3 The Council will prepare the provisional agenda for a regular session with the assistance of the Secretariat, taking into account the lists in Rule 9.2. The provisional agenda will reflect in an equitable manner the interests of each of the Parties.
- 9.4 The Secretariat will send supporting documents for a regular session of the Council to all Council members 30 days prior to the session. At the same time, the Secretariat will send the same supporting documents to the members of the JPAC.
- 9.5 The provisional agenda for a public meeting will be made public as far in advance of the meeting as possible.
- 9.6 The Council will adopt the agenda at the beginning of the session based on the provisional agenda.
- 9.7 The provisional agenda for a special session will consist of those items proposed for consideration in a Party's request for a special session. The requesting Party will also provide relevant supporting documents. The provisional agenda for a special session may be made public before the session if the Council so decides.

Rule 10: Annual Reports

- 10.1. The Secretariat shall prepare an annual report of the Commission in accordance with instructions from the Council. The Secretariat will submit a draft of the report for review by the Parties. The final report shall be made publicly available.
- 10.2. The report shall cover:
- (a) outcomes of cooperative activities during the previous year;
 - (b) expenses of the Commission;
 - (c) outcomes of Joint Public Advisory Committee activities;

- (d) update on submissions on enforcement matters process, and
- (e) any other matter that the Council instructs the Secretariat to include.

Rule 11: Summary Records

The Secretariat will prepare summary records of Council and Alternate Representatives sessions, including both *in camera* and public meetings, and submit them to the Parties for review. Speakers will have the opportunity to review the summary records and submit corrections of their remarks. The Secretariat will promptly make publicly available the summary records of public meetings held during Council sessions.

Rule 12: Engagement with the JPAC

- 12.1 Pursuant to Article 6(1) of the ECA, the JPAC shall comprise nine members, unless the Council decides otherwise, with an equal number of nationals appointed by each Party. Each JPAC member shall have a four-year term with the possibility of an additional term decided by the Party appointing the member. JPAC members' appointments will be in accordance with Rule 2 of the JPAC Rules of Procedure. The Council may decide to compensate JPAC members with honoraria for attending meetings.
- 12.2 The Council may request advice or technical, scientific, or other information from the JPAC on any matter within the scope of the ECA, including on any documents submitted or proposed for review by the Council. The Council will endeavor to consider and provide a response to JPAC Advice and letters in a timely manner, including recommendations on the JPAC's annual plan of activities.
- 12.3 The Secretariat will provide to the JPAC copies of the proposed work program and annual budget of the Commission, as well as the draft annual report.
- 12.4 The Council will meet *in camera* with the JPAC during its regular session. The JPAC will submit a list of topics it wishes to address with the Council 30 days in advance of the meeting. The JPAC Chair, or her or his designee, will attend all other sessions of the Council and Alternate Representatives and make oral statements on behalf of the committee.

Rule 13: Languages

- 13.1 The official languages of the Commission shall be English, French, and Spanish.
- 13.2 All annual reports under Article 8 of the ECA, reports submitted to the Council under Article 4(3) of the ECA, work programs under Article 4(1)(h) of the ECA, and factual records submitted to the Council under Article 24.28(5) of the Trade Agreement will be made available in each official language at the time they are made public. Other official documents which are made available to the public will be in all official languages, unless otherwise decided by the Council.

13.3 Simultaneous interpretation into the three official languages will be provided at Council sessions, unless otherwise decided by the Council.

Rule 14: Definitions

The definitions set out in the ECA apply to these Rules, as appropriate.

Rule 15: Amendment of Rules

Amendments to these Rules may be proposed by any Council member, any Alternate Representative, or the Executive Director. Only the Council may decide to amend these Rules.

Rule 16: Overriding Authority of the ECA

In the event of any inconsistency between these Rules and the ECA, the ECA shall prevail to the extent of the inconsistency.